

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,

v.

LUIS FERNANDEZ, et al.,  
Defendants.

No. 3:13-cr-181 (SRU)

**PRETRIAL ORDER**

In order to promote fairness and efficiency in the upcoming trial of this case, the parties are ordered to comply with the following:

**I. Jury Selection**

- A. Counsel for the government and defendants shall confer in an effort to file a joint, proposed statement describing, as briefly as possible, the nature of the case and shall submit this statement to the court no later than **October 24, 2014**. This statement will be read to the jury panel during jury selection. Absent agreement, counsel for the government and the defendants shall each submit a brief summary of the case no later than **October 24, 2014**.
- B. Jury selection will be held on **October 31, 2014 at 9:00 a.m.** The parties will be selecting 12 jurors and 2 alternate jurors. Counsel must submit any proposed voir dire questions they wish to have the Court ask the jury panel on or before **October 24, 2014**.
- C. Peremptory Challenges: The number of, and the procedure for the government and the defendants exercising peremptory challenges will be determined in accordance with Federal Rule of Criminal Procedure 24(b) and (c) at the pre-trial conference, scheduled for **October 29, 2014 at 5:00 p.m.**

**II. Trial Schedule**

Trial is scheduled to begin on **November 10, 2014**, and will continue as needed. Each trial day will commence for counsel at 9:00 a.m. Evidence will begin at 9:30 a.m. and

should end by 5:00 p.m. The trial day will end at 3:00 p.m. on Wednesdays. Trial dates are subject to reasonable adjustment by the court, and accordingly, counsel should be prepared for such adjustments.

### **III. Witnesses**

- A. Counsel for the government shall provide counsel for the defendants with a final witness list no later than **October 24, 2014**, if it has not already done so. The government will be expected to make a showing of good cause for any late notice of its intention to call additional or substituted witnesses who are not included on its final witness list.
- B. Counsel for the government shall provide counsel for the defendants with any *Giglio* material for each of its witnesses no later than **October 24, 2014**. The government is encouraged to provide early disclosure of Jencks Act material at the same time. Any reverse disclosure material shall also be provided by defendants by **October 28, 2014**.
- C. If the government intends to proffer any expert testimony, the government must disclose to the defendant its experts' qualifications, opinions, and basis therefore by **October 24, 2014**, if it has not already done so. If the defendant has any objection to an expert, including objections made under *Daubert* or Rule 702 of the Federal Rules of Evidence, the defendant must make a motion to preclude such expert no later than **October 27, 2014**, and opposition to such motion must be filed by **October 29, 2014**. Motion pleadings filed after those deadlines will not be considered.

### **IV. Exhibits**

- A. Counsel for the government and the defendants shall meet no later than **October 28, 2014**, to pre-mark the exhibits which they intend to offer at trial. All of the exhibits shall be pre-marked for identification, and, to the extent possible, stipulated for admission as full exhibits. The parties should avoid marking exhibits a, b, c, d, etc. The exhibits shall be numbered, to the extent practicable, in the order in which they are likely to be offered, using exhibit tags. In order to coordinate exhibit identification

to ensure that exhibits and exhibit numbers are not duplicated, exhibit numbers should begin as follows:

Government's exhibits	1
Luis Fernandez	1000
Fernando Fernandez-Garza	2000
Carlos Mercado	3000

- B. No later than **November 6, 2014**, counsel for the government and the defendants shall provide the court with a list of exhibits and two copies of all exhibits, except physical exhibits, that will be offered at trial.
- C. The government shall designate which wiretap evidence, if any, it intends to introduce or play during trial no later than **October 24, 2014**. If the government intends to use any transcriptions or translations of that wiretap evidence to assist the jury, it shall designate and disclose those translations/transcriptions no later than **October 24, 2014**.

#### **V. Evidentiary Issues**

- A. Counsel for the government and the defendants shall file any motions in limine on any anticipated evidentiary issue no later than **October 24, 2014**. Objections shall be filed no later than **October 28, 2014 at noon**.
- B. **At the pretrial conference on October 29, 2014**, the court will hear argument of any evidentiary issues, objections to exhibits or witnesses, motions in limine, or other related matters. No evidence will be heard at the pretrial conference, therefore the defendants are not required to be present.
- C. The court intends for all trial testimony to be presented without interruption on each day of trial, excluding recesses. The court expects to hear argument on issues that are raised in the course of the trial only in advance of the start of evidence, at the end of evidence, or at the beginning of any recesses. Arguments on such issues will not be entertained at the end of a recess or during testimony. Counsel are advised that the court does not intend to hold bench or chamber conferences during the trial day.

## **VI. Stipulations**

The parties shall file a joint list of stipulated facts, if any, in a form to be read to the jury no later than **November 7, 2014**.

## **VII. Jury Instructions and Verdict Forms**

- A. The court will provide counsel with proposed preliminary jury instructions to be read at the beginning of evidence on **November 3, 2014**. Counsel for the government and the defendants shall submit any proposed modifications to the preliminary jury instructions no later than **November 7, 2014**.
- B. The parties shall submit any proposed jury instructions by **October 31, 2014**. Prior to the charge conference, tentatively scheduled for **November 13, 2014 at 5:15 p.m.**, the court will provide the parties with a draft of the jury instructions to be read at the conclusion of evidence. Counsel shall state any objections to the jury instructions at the charge conference and shall provide written memoranda citing supporting authorities and providing any alternative instruction counsel considers more appropriate in light of cited support authorities.

## **VIII. Rule 404(b) Evidence**

Pursuant to Rule 404(b) of the Federal Rules of Evidence, the government shall submit, if necessary, notice of any additional “other crimes, wrongs, or acts” evidence that it may introduce during trial no later than **October 24, 2014**. Counsel for the defendants shall file any objections to the government’s notice in a motion in limine identifying the area of inquiry objected and the specific basis for the objection no later than **October 28, 2014 at noon**. Counsel for the government and the defendants should be prepared to argue any such objections at the pretrial conference on **October 29, 2014**.

It is so ordered.

Dated at Bridgeport, Connecticut, this 16th day of October 2014.

/s/ STEFAN R. UNDERHILL  
Stefan R. Underhill  
United States District Judge